

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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| <p>Sam Jasmine,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>United States of America,</p> <p style="text-align: center;">Defendant.</p> | <p style="text-align: right;">Court File No.: _____</p> <p style="text-align: center;">COMPLAINT</p> |
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Plaintiff Sam Jasmine, by and through Plaintiff's undersigned attorneys, brings this Complaint against Defendant and alleges as follows:

This is an action for damages related to Plaintiff's injuries caused by Defendant's employee Janet Marie Rath's operation of a United States Postal Service ("USPS") mail truck which struck the Plaintiff, a blind pedestrian. The claims herein are brought against the United States of America pursuant to the Federal Tort Claims Act (28 U.S.C. § 2671, et seq. and 28 U.S.C. § 1346) for money damages as compensation for personal injuries that were caused by the negligent and wrongful acts and omissions of an employee of the United States Government while acting within the scope of her employment, under circumstances where the United States, if a private person, would be liable to Plaintiff in accordance with the laws of the State of Minnesota.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1346(b)(1).
 2. Plaintiff has complied with all applicable provisions of 28 U.S.C. § 2675(a).
- Specifically, this proceeding is timely brought because Plaintiff submitted her Notice of Claim to

the USPS on April 17, 2018, and this claim has been pending with the USPS for more than six months.

3. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391 and 1402(b) because Defendant's employee Rath was operating Defendant's USPS mail truck in the County of Hennepin, State of Minnesota, and the accident caused by Rath's negligent operation of that truck occurred in the County of Hennepin, State of Minnesota.

THE PARTIES

4. Plaintiff Sam Jasmine is a resident of the County of Hennepin, State of Minnesota.

5. Pursuant to 39 U.S.C. § 409(c), the Federal Tort Claims Act applies to tort claims arising out of activities of the USPS.

6. At the time of the accident, Defendant's employee Rath was an employee of the USPS and was operating the Defendant's mail truck in the County of Hennepin, State of Minnesota.

FACTS

7. On July 16, 2016, Plaintiff was walking at the side of the road in her neighborhood in Plymouth, Minnesota since there are no sidewalks in this neighborhood. She was walking with her Seeing Eye dog Jenny, who had been with Plaintiff for six years and had been extensively trained. Plaintiff was walking East on 34th Street approaching Sycamore Lane.

8. At the same time, Defendant's employee Rath was operating a USPS mail truck traveling South on Sycamore Lane and turning right (West) onto 34th Street.

9. As a blind pedestrian, Plaintiff had the right-of-way, pursuant to Minnesota Statutes, § 169.202, Subd. 2.

10. Shortly after making the turn, Rath suddenly and without warning negligently and carelessly struck the Plaintiff, knocking her to the ground.

11. At the time of the accident, Rath was acting in the course and scope of her employment with the USPS.

12. As a result of this accident, Plaintiff sustained severe and permanent injuries, including injuries to her right leg.

13. The injuries sustained by Plaintiff caused her to suffer pain and suffering and other damages, including but not limited to medical and hospital expenses for the treatment of her injuries, loss of earnings and future lost earning capacity.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For an award of damages sufficient to compensate Plaintiff for damages incurred in excess of \$75,000, including but not limited to past and future medical and hospital expenses, loss of past earnings and future earning capacity, pain, suffering and disfigurement;
2. For prejudgment and postjudgment interest as permitted by law;
3. For costs and disbursements incurred as permitted by law; and
4. For all other just and proper relief.

Dated: December 6, 2018

BRIGGS AND MORGAN, P.A.

By: s/John M. Degnan

John M. Degnan (#21817)

Andrew M. Carlson (#284828)

2200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402-2157

Telephone: (612) 977-8400

Fax: (612) 977-8650

Email: jdegnan@briggs.com

Email: acarlson@briggs.com

Attorneys for Plaintiff